

12-21-01

1044 U.S. PTO  
12/18/01

Docket No. 0755-4112US1

Express Mail No. EL 853250829 US

1017 U.S. PTO  
10/024064  
12/18/01

↑ AFFIX CUSTOMER NO. LABEL ABOVE ↑

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**UTILITY APPLICATION AND FEE TRANSMITTAL §(1.53(b))**

Commissioner for Patents  
**Box Patent Application**  
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the patent application of

Inventor(s) names and addresses:

- 10084064-121004
- (1) Frank H. FERRANDINO, c/o Veeco Instruments Inc., 295 Seminole St., Ronkonkoma, NY 11779
  - (2) Weimin SI, Ph.D., c/o Veeco Instruments Inc., 350 N. Loop Rd., A207, Stony Brook, NY 11790
  - (3) Douglas S. HOLMES, c/o Veeco Instruments Inc., 11 Mariel Ct., Centereach, NY 11720
  - (4) Harvey T. STONE, c/o Veeco Instruments Inc., 110-11 Queens Blvd., Forest Hills NY 11375

☐ Additional inventors are listed on a separate sheet

For: X-RAY FLUORESCENCE SYSTEM AND METHOD

Enclosed Are:

- 20 page(s) of specification  
1 page(s) of Abstract  
8 page(s) of claims  
10 sheets of ☒ Formal ☐ Informal drawings

7 page(s) of Declaration and Power of Attorney

- ☐ Unsigned
- ☐ Newly Executed
- ☒ Copy from prior application
- ☐ Deletion of inventors including Signed Statement under 37 C.F.R. §1.63(d)(2)

☐ **REQUEST AND CERTIFICATION UNDER 35 U.S.C. §122(b)(2)(B)(i) (form PTO/SB/35)**

As indicated on the attached Request and Certification, Applicant(s) certify that the invention disclosed in the attached application HAS NOT and WILL NOT be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. Applicant(s) therefore request(s) that the attached application NOT be published under 35 U.S.C. §122(b).

☒ **Incorporation by Reference:**

- ☒ The entire disclosure of the prior application, from which a copy of the combined Declaration and Power of Attorney is supplied herein, is considered as being part of the disclosure of the accompanying application and is incorporated herein by reference.

☐ **Deletion of Inventors (37 C.F.R. §1.63(d) and §1.33(b))**

Signed statement attached deleting inventor(s) named in the prior application serial no. \_\_\_\_\_, filed \_\_\_\_\_.

☐ **Microfiche Computer Program (Appendix)**

- ☐ page(s) of Sequence Listing
- ☐ computer readable disk containing Sequence Listing
- ☐ Statement under 37 C.F.R. §1.821(f) that computer and paper copies of the Sequence Listing are the same

☒ **Assignment Papers (assignment cover sheet and assignment documents)**

- ☐ A check in the amount of \$40.00 for recording the Assignment
- ☐ Charge the Assignment Recordation Fee to Deposit Account No. 13-4500, Order No. \_\_\_\_\_.
- ☒ Assignment Papers filed in the parent application Serial No. 09/395,523

☐ **Certification of chain of title pursuant to 37 C.F.R. §3.73(b)**

☐ **Priority is claimed under 35 U.S.C. §119 for:**

- ☐ Certified Copy of Priority Document(s) [\_\_\_\_\_]
- ☐ English translation document(s) [\_\_\_\_\_]
- ☐ filed herewith
- ☐ filed in application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

☐ **Priority is claimed under 35 U.S.C. §119(e) for:**

Provisional Application No. \_\_\_\_\_, filed \_\_\_\_\_.



Information Disclosure Statement

☐ Copy of [\_\_\_\_\_] cited references

☐ PTO Form-1449

☒ References cited in parent application Serial No. 09/395,523, filed 09/14/1999.



Related Case Statement under 37 C.F.R. §1.98(a)(2)(iii)

☐ A copy of related pending U.S. Application(s) Serial No(s): \_\_\_\_\_, filed \_\_\_\_\_, respectively, is attached hereto.

☐ A copy of related pending U.S. Application(s) entitled, \_\_\_\_\_, filed \_\_\_\_\_ to inventor(s) \_\_\_\_\_, respectively, is attached hereto.

☐ A copy of each related application(s) was submitted in parent application serial no. \_\_\_\_\_, filed \_\_\_\_\_.



Preliminary Amendment



Return receipt postcard (MPEP 503)



This is a ☐ continuation ☒ divisional ☐ continuation-in-part of prior application serial no. 09/395,523, filed 09/14/1999, to which priority under 35 U.S.C. §120 is claimed.

☒ Cancel in this application original claims 11-26 of the parent application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

☐ A Preliminary Amendment is enclosed. (Claims added by this Amendment have been properly numbered consecutively beginning with the number following the highest numbered original claim in the prior application).



The status of the parent application is as follows:

☐ A Petition for Extension of Time and a Fee therefor has been or is being filed in the parent application to extend the term for action in the parent application until \_\_\_\_\_.

☐ A copy of the Petition for Extension of Time in the co-pending parent application is attached.

☒ No Petition for Extension of Time and Fee therefor are necessary in the co-pending parent application.



Please abandon the parent application at a time while the parent application is pending or at a time when the petition for extension of time in that application is granted and while this application is pending has been granted a filing date, so as to make this application co-pending.



Transfer the drawing(s) from the parent application to this application



Amend the specification by inserting before the first line the sentence:

This is ☐ continuation ☒ divisional ☐ continuation-in-part of co-pending application Serial No. 09/395,523, filed 09/14/1999.

a1

I. CALCULATION OF APPLICATION FEE				
	Number Filed	Number Extra	Rate	Basic Fee \$740.00/370.00
Total Claims	34- 20 =	14x	\$18.00/ \$9.00	\$ 252
Independent Claims	6- 3 =	3x	\$84.00/ \$42.00	\$ 252
<input type="checkbox"/> Multiple Dependent Claims		If marked, add fee of \$280.00 (\$140.00)		\$ 504
TOTAL:				\$ 1244.00

- ☐ Small entity status is or has been claimed. Reduced fees under 37 C.F.R. §1.9 (f) paid herewith \$\_\_\_\_\_.
- ☒ A check in the amount of \$1244.00 in payment of the application filing fees is attached.
- ☐ Charge fee to Deposit Account No. 13-4500, Order No. \_\_\_\_\_. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for filing this application pursuant to 37 CFR §1.16, **including all extension of time fees pursuant to 37 C.F.R. § 1.17 for maintaining copendency** with the parent application, or credit any overpayment to Deposit Account No. 13-4500, Order No. 0755-4112US1. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.



By:

Arun Chandra

Registration No. 43,537

Dated: December 18, 2001

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, NY 10154-0053  
(212) 758-4800 Telephone  
(212) 751-6849 Facsimile

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Frank Ferrandino, Weimin SI, Douglas HOLMES & Harvey STONE

Group Art Unit: TBA

Serial No.: Divisional of 09/395,523

Examiner: TBA

Filed: December 18, 2001

For: X-RAY FLUORESCENCE SYSTEM AND METHOD

**EXPRESS MAIL CERTIFICATE**

Express Mail Label No.: **EL 853250829 US**

Date of Deposit: **December 18, 2001**

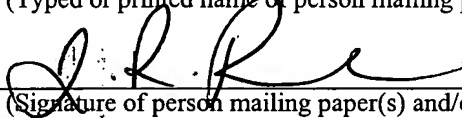
I hereby certify that the following attached paper(s) and/or fee

1. Utility Application And Fee Transmittal
2. 20 pages of specificaiton, 1 page of Abstract, 8 pages of claims, 10 sheets of Formal Drawings (Figs. 1-10)
3. Declaration and Power of Attorney
4. Assignment
5. Information Disclosure Statement (3 references)
6. Check For \$1,244.00
7. Return Postcard

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to Commissioner for Patents, Washington, DC 20231

Jesus R. Remedios

(Typed or printed name of person mailing papers(s) and/or fee)



(Signature of person mailing paper(s) and/or fee)

**Correspondence Address:**

MORGAN & FINNEGAN, L.L.P.

345 Park Avenue

New York, NY 10154-0053

(212) 758-4800 Telephone

(212) 751-6849 Facsimile

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Frank FERRANDINO, Weimin SI, Douglas HOLMES & Harvey STONE  
Serial No. : 09/395,523 Group Art Unit: 2876  
Filed : September 14, 1999 Examiner: TBA  
For : X-RAY FLUORESCENCE SYSTEM AND METHOD

RECORDATION FORM COVER SHEET PURSUANT TO 37 C.F.R. § 3.31

Hon. Commissioner of Patents and Trademarks  
BOX ASSIGNMENTS  
Washington, D.C. 20231

Sir:

Please record the attached original documents or copy thereof.

1. Name of conveying party/parties:

Frank FERRANDINO, Weimin SI, Douglas HOLMES & Harvey STONE

2. Name and address of receiving party/parties:

Name VEECO INSTRUMENTS INC.

Internal Address:

Street Address: 105 COMAC STREET

City ROKONKOMA State NEW YORK ZIP 11779

☐ Additional names and addresses attached.

3. Name of conveyance: ☒ Assignment ☐ Merger ☐ Security Agreement  
☐ Change of Name ☐ Other  
Execution Date: November 11, 1999

4. Application Number(s) or Patent Number(s):

☐ This document is being filed together with a new application which was executed on \_\_\_\_\_.

☒ Patent Application No.(s) 09/395,523, filed on September 14, 1999

☐ Patent No.(s) \_\_\_\_\_

5. Address all future communications to:

MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, New York 10154

6. Total number of applications and patents involved: One (1).

7. Total fee (37 CFR §3.41): \$40.00 property x 1 property(ies) = \$ 40.00.

☒ A check in the amount of \$ 40.00 to cover the recordation fee is enclosed.

☐ Charge fee to Deposit Account No. 13-4500. Order No. 0755-4112.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this recordation, or credit any overpayment to Deposit Account No. 13-4500. Order No. 0755-4112.

8. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.



Chris L. Holm

Reg. No. 32,454

For: Chris Holm, Reg. No. 39,227

Dated: November 19, 1999

Registration No. 39,227

CORRESPONDENCE ADDRESS:

Total number of pages including the recordation cover sheet 6

MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, New York 10154  
(212) 758-4800  
(212) 751-6849 Facsimile